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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Government of Mexico dated 15 February 1998

GE.98-13128 (E)

Geneva, 16 February 1998

The Permanent Mission of Mexico to the International Agencies at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the questionnaire contained in note verbale G/SO 212/28 (1) from the Secretary-General of the United Nations, is pleased to send herewith the answers of the Government of Mexico to the questionnaire on the human rights of migrants, which it requests should be transmitted to the office dealing with migration and human rights.

The Permanent Mission of Mexico avails itself of the opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

REPLY FROM THE GOVERNMENT OF MEXICO TO THE QUESTIONNAIRE ON HUMAN RIGHTS OF MIGRANTS CONTAINED IN NOTE VERBALE G/SO 212/28 (1) FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

1. What are the latest figures or estimates for:

- Total population, including non-nationals, preferably by nationality of origin?

According to 1996 data, the total population of Mexico is 92,711,000. 1/

With regard to non-nationals, as of December 1996 261,446 aliens were registered as residing permanently in Mexico, the largest group among them being United States nationals (64,571) and 169,174 aliens as living temporarily in the country, United States citizens again representing the most numerous group (50,936). 2/

- Number of nationals abroad, preferably by country of residence?

The largest community of persons of Mexican origin living abroad is in the United States. In 1996, between 7.0 and 7.3 million Mexicans were living in that country, including between 4.7 and 4.9 million permanent residents and between 2.3 and 2.4 million without papers. The total number of residents is approximately equivalent to 8 per cent of the total population of Mexico and 3 per cent of the population of its neighbour country. 3/

- Non-nationals having authorization to work in the country?

Under the General Population Act, aliens permanently residing in Mexico have the right to work. The total number of non-nationals who could in principle exercise that right is, according to December 1996 data, 261,446. However, out of this number the exact percentage exercising their right to work is not known with certainty. 4/

- Estimate of irregular migrants, including visa abusers, by country of origin?

According to unofficial sources, up to December 1996 the main countries of origin of irregular migrants were Guatemala (52,000) and the United States (232,000).

2. What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as:

- legal measures;

- public information and education;

- provision of direct assistance and services;

- other measures including bilateral and multilateral arrangements?

The Government of Mexico gives high priority to protecting the human rights of migrants and has accordingly put into operation various mechanisms both at national level and in the bilateral and multilateral spheres aimed at guaranteeing respect for the human rights of Mexicans who, whatever their migratory status, are living abroad and of immigrants and transmigrants entering the country.

In this respect the Political Constitution of the United Mexican States, the supreme law governing the life of the country, is very specific, laying down in its article 1 that "every individual shall enjoy the guarantees which this Constitution affords and which may not be restricted or suspended except in such cases and on such conditions as the Constitution itself determines".

Likewise, the Congress of the Union, in pursuance of the provisions of article 73 of the Constitution, is pledged to enact legislation on nationality, the legal status of aliens, citizenship, naturalization, settlement, immigration and emigration.

In Mexico the Ministry of the Interior is the body responsible for applying the migration policy and, in accordance with the legal arrangements and specifically with the General Population Act, must, in exercising those powers, "ensure respect for human rights, and, especially, for the integrity of the families of those subject to this law" (art. 7).

The National Development Plan for 1995-2000 lays down as one of the main concerns of the migration policy the exercise of the powers of migration surveillance within the national territory, in a spirit of respect for the law and for the human rights of migrants.

Accordingly, during the past three years the Government of Mexico has been working intensively for the enhancement of its migration policy through concrete activities reflecting its humanitarian nature. As an essential step to this end, in 1996 the Federal Executive reviewed the legal provisions on migration and submitted to the Legislature proposals for reforms and additions to the General Population Act, which were approved by the Congress of the Union and came into force in November of that same year.

These reforms add up to more effective protection of the human rights of aliens who are in the national territory, more effective legal guarantees in migration formalities and procedures, promotion of integration of families, and more energetic measures to combat offences relating to trafficking in human beings.

Particularly noteworthy among the amendments and additions made to the General Population Act which are relevant to human rights is the revision of article 68 to allow timely registration of the birth of children to aliens in the national territory without requiring prior verification that the parents are legally resident. Thus full exercise of their constitutional rights and immediate access to essential public services such as education and health care are ensured.

Likewise, the definition of the offence of trafficking in migrants is tightened and penalties are prescribed amounting to between 6 and 12 years'

imprisonment and a fine of between 100 and 10,000 days' minimum wage, in order to deny traffickers in human beings the benefit of release on bail with security. Thus, too, under article 138 severer penalties are prescribed for trafficking in individuals without papers when it involves minors and the migrants' health, lives and physical integrity are endangered.

Note that the human rights of migrant workers are duly protected and regulated under the Federal Labour Act, specifically by the regulatory provisions referred to in article 123 of the country's Political Constitution. That article states that every person has the right to decent and socially useful employment, to which end measures shall be taken to promote job creation and social organization for employment, according to the law, the Congress of the Union being empowered to enact labour legislation without contravening the principles established by this provision.

Through the National Programme for Protection of Migrants conducted since 1995 by the Ministry of the Interior through the National Institute of Migration (NIM), the Government of Mexico is carrying out continuing activities directed towards protection of the human rights of migrants, of their physical integrity and of their property rights, irrespective of their nationality and of whether they are with or without papers.

The Programme recognizes that, owing to their insecure legal, social, economic and psychological situation, migrants are frequently the victims of common criminals, of organized crime, notably gangs of traffickers in persons, and of unscrupulous authorities, who commit to their detriment offences such as assault, robbery, rape, extortion and other violations of their fundamental rights established for nationals and aliens in the Political Constitution of Mexico and its implementing laws.

The activities provided for under the Programme cover the following six areas:

I. Establishment of the Migrant Protection Groups;

II. Public information on the basic rights and obligations of migrants in our country;

III. Programme of Migration Monitoring, to ensure that inspections take place and are conducted according to the established rules;

IV. Programme for training of public servants with operational and directing functions in the NIM, with the participation of the National Human Rights Commission (NHRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR);

V. Improvement of conditions in migrant reception centres;

VI. Strengthening and consolidation of mechanisms for consultation on consular protection with the United States and the countries of Central America.

This Programme reflects the binding ethical and moral commitment of the Government of Mexico to safeguarding human rights in the country and honouring the international commitments entered into in this sphere.

I. Migrant Protection Groups

These groups represent the outcome of coordination between the three levels of government, Federal, State and Municipal, and their main task is to protect migrants from acts committed against them by common criminals, organized crime and unscrupulous authorities.

Currently nine such groups are operating under the direction of the National Institute of Migration: six on the northern border and three on the southern border. Recently their members were given training on legal aspects, migratory culture, human rights, physical fitness, self-defence, handling of weapons and strategies in field operations; this training will without any doubt result in better protection of migrants.

II. Public information on the basic rights and obligations of migrants in our country

With the object of informing migrants, whatever their legal status, of their rights and obligations during their stay in Mexico and of the existence of institutions to which they can apply for help and submit protests and complaints in case of abuses, a Guidebook on Human Rights for Migrants has been prepared in coordination with the National Human Rights Commission. To date over 250,000 copies have been distributed, mainly through the migrant protection groups, non-governmental human rights bodies, Mexican consulates abroad, and the consulates of Central American countries in Mexico.

III. Monitoring of respect for the human rights of migrants

The Programme has set up a monitoring group to ensure that measures pertaining to inspection, detention and expulsion of aliens carried out by the NIM authorities are in conformity with the law.

IV. Cultivation of an ethos of respect for human rights among personnel dealing with migrants

Training activities are conducted on a continuing basis to promote a culture of respect for the human rights of migrants and an ethic of service among the staff of the NIM. To this end, training courses in human rights have been conducted at various branch offices of the NIM, with the support of the National Human Rights Commission and the Office of the United Nations High Commissioner for Refugees. Under this head 15 workshops have been held for the benefit of 450 migration inspectors and officers.

A start has also been made on the Inter-Agency Training and Promotion Programme for Migration Personnel, 1997-1998, in coordination with the NHRC, the NIM, UNHCR and the Mexican Commission for Aid to Refugees. Three workshop courses, held in three different federal territories, were attended

by 60 members of the administrative staff and migration officers. This programme is planned to last for two years and is intended to provide training for 2,400 staff members of the NIM.

Again in the area of education, the National Human Rights Commission has conducted a training programme designed for promoters providing continuing care in various institutions. In addition, six workshops and two conferences have been held for the training of promoters looking after the migrant population on the northern frontier. These meetings were attended by 234 persons, including students and teachers from the Tijuana Latin American University and from the Tamaulipas Autonomous University, together with members of the Young Christians' Association and the United States non-governmental organization Store Front, based at San Diego, California.

With the aim of promoting measures to combat impunity in cases of violation of the rights of children migrating with their families, the NHRC held two training workshops, one in coordination with the National System for Integrated Family Development, municipality of Gómez Palacio, Durango, and the other with the Tijuana Community Frontier Association, C.A.; they were attended by 31 participants.

V. Improvement of conditions at migrant reception centres

Migrant reception centres have been remodelled and extended throughout the national territory, in order to provide decent accommodation for aliens without papers who are detained pending determination of their legal status.

In this connection it may be noted that the National Human Rights Commission has issued a publication entitled "Marco Jurídico y Funcionamiento de la Estaciones Migratorias en Mexico" ("Legal purview and functioning of migrant reception centres in Mexico"), in order to publicize the relevant legal provisions and identify the locations assigned for the protection of aliens.

VI. Strengthening and consolidation of mechanisms for consultation on consular protection with the United States and the countries of Central America

The Government of Mexico has promoted the establishment of these bilateral arrangements with an eye to ensuring continuous and free-flowing communication between migration authorities and consular representatives, to facilitate the discharge of responsibilities for consular protection and expedite the consideration and adjudication of cases of human rights violation.

Thus, in the light of experience with the Mechanisms for Consultation on the Functioning of the Immigration and Naturalization Service (INS) and Consular Protection, involving the Mexican consular representatives in the United States and the United States migration authorities, the year 1996 saw the establishment of the mechanisms for consultation on consular protection between Mexico and Guatemala, Mexico and Costa Rica, Mexico and El Salvador,

and Mexico and Honduras, in which the Mexican migration authorities meet with the consuls of those Central American countries. Finally, in 1997, Mexico and Nicaragua set up a similar mechanism.

Actions at the bilateral level

In addition to the Mechanisms for Consultation on Consular Protection which have been established with other Governments, Mexico has entered into various bilateral commitments aimed at ensuring respect for the human rights of its nationals abroad and of any migrants from other countries who are present in its national territory.

In particular, this subject is a priority item on the agenda concerning migration in relations between Mexico and the United States. Consequently, in practically all the bilateral forums, including presidential meetings, at which matters relating to the phenomenon of migration are raised, the human rights of migrants are accorded special attention.

Thus, in recent years, through dialogue and communication between the Governments of the two countries, better conditions have been brought about for the performance of the functions of consular protection carried out by Mexico's representatives in the United States on behalf of Mexican nationals in the latter country.

Since 1991, consulates in the frontier region have had available the Federal Mechanisms for Border Liaison, enabling them to deal with and settle on the spot issues intrinsic to coexistence in frontier areas. The subjects dealt with include consular protection, police cooperation, protection of the environment, and border road junctions and bridges.

Within the Joint Mexico-United States Commission there has been set up a Working Group on Migration and Consular Affairs to deal with major questions relating to protection. Arising from the analysis of the phenomenon of migration, an event without precedent in relations between the two countries took place on 6 May 1996 with the signing of the Memorandum of Understanding on Consular Protection of Nationals of Mexico and the United States. Through this instrument the two Governments undertook, among other commitments, to provide any individual detained by the migration authorities with information on his legal rights and options, including the right to establish contact with his consular representatives and fellow nationals.

Likewise, through this bilateral instrument, both Governments agreed to ensure, in accordance with the relevant laws of each country, that consular representatives were notified of specific cases involving detention of minors, pregnant women and persons in risk situations.

Through the Mechanisms for Consultation on the Activities of the Immigration and Naturalization Service (INS) and Consular Protection, which have also been set up, the dialogue that exists between the consular representatives and the migration authorities in the United States is regularized and institutionalized. In addition to facilitating exchange of information, these mechanisms enable consuls to attend with greater efficiency to all the cases involving protection of Mexicans which require corrective

action on the part of the migration authorities. To date, 128 meetings have been held, plus two regional evaluation meetings (El Paso, Texas, 21 October 1997 and Dana Point, California, 11 December 1997).

Further, in May 1997 the Presidents of Mexico and the United States signed the Joint Declaration on Migration and Border Cooperation, involving major bilateral commitments regarding protection of human rights, in particular:

(a) To explore ways and means of strengthening the mechanisms and forums for consultation and cooperation that the two Governments have established, at the national and local levels, in regard to migration and consular protection;

(b) To protect the rights of migrants and take energetic measures to ensure that justice is done in cases where complaints of illegal action are lodged by migrants and border communities, and also to respect both constitutional guarantees and due legal process in the application of the immigration laws;

(c) To ensure that safe and orderly procedures are followed for the repatriation of migrants.

In pursuance of this last bilateral undertaking, the authorities of both Governments have agreed to the implementation of local regulations along the entire border to ensure that repatriations of Mexican nationals are carried out in a safe and orderly manner.

To this end, the two Governments are currently working on the determination of such regulations, some of which are already being applied, on the basis of bilaterally agreed general criteria and parameters. Thus, repatriations must take place in the presence of the Mexican migration authority, according to timetables and at places previously determined between the two parties; notice must be given, to include information on the nationals to be repatriated, before the repatriations are carried out; the United States authorities must have due care for the unity of families and accord special attention to expectant mothers or women with children, to disabled persons and to minors.

On the occasion of the meeting of the Working Group on Migration and Consular Affairs, held on 5 May 1997, it was agreed to set up a Working Subgroup on Safe and Orderly Repatriations with a view to laying down general guidelines according to which at every frontier post the migration authorities of both countries would draw up specific agreements on timetables and points of entry for repatriations of co-nationals detained by the Immigration and Naturalization Service (INS) in the United States of America. At the meetings on the Consultation Mechanisms held between NIS and Consular Protection officials specific agreements have been drawn up for most of the frontier points.

Both Governments have agreed to cooperate in planning and implementing measures to enlighten public opinion as to the human rights of migrants in order to combat discriminatory attitudes or negative perceptions concerning

the phenomenon of migration. To this end, through various agencies at the internal and bilateral levels, action, in which the local authorities responsible for providing care to migrants are encouraged to participate, is being taken to promote awareness regarding the cultures of the two countries and understanding of the need for human rights protection.

Worthy of note, finally, is the completion on 30 August 1997 of the Joint Mexico-United States Study on Migration, in which 10 distinguished academics from each country took part. The study made possible the development of an analytical framework and common methodology for the analysis and interpretation of the phenomenon of migration. During the two and a half years that it took, various aspects of the migration question were addressed in order to produce a concerted qualitative and quantitative interpretation as the basis for a bilateral approach to the phenomenon.

The preparation of the study was endorsed by the Presidents of Mexico and the United States which the signing on 7 May 1997 of the Joint Declaration on Migration, in which they committed themselves to protecting the dignity of their nationals through an integrated approach to the management of the migration phenomenon.

The human rights of migrants are also a matter of the highest importance in bilateral relations between Mexico and the countries of Central America. With each of those countries there exist bilateral working groups on various questions relating to the migration phenomenon whose activities have stimulated a constructive dialogue to address the human rights situation of their nationals who are in Mexico as migrants, whether with or without papers.

In fact, the dialogue conducted within such working groups has resulted in the creation and putting into operation of the Mechanisms for Consultation on Consular Protection which, combined with the measures implemented at the internal level by the Government of Mexico in the sphere of protection of the human rights of migrants, have helped to promote better bilateral understanding in this area.

In particular, the Government of Mexico has carried out a series of measures aimed at improving the treatment accorded to migrant workers, mainly agricultural, entering across the southern border. To this end, the NIM has defined the criteria, requirements, procedures and conditions of migration for the admission, stay and departure of temporary agricultural workers and those accompanying them, putting into effect for this purpose the Programme for Regularization of the Conditions of Stay of Agricultural Workers, with specific reference to Guatemalan nationals who enter Mexico to work in the southern zone.

There is also the Ad Hoc Group on Guatemalan Temporary Migrant Agricultural Workers, which studies concrete proposals for strengthening cooperation between the two countries in the protection of such workers. The main objective at the fourth meeting of the Group, held in June 1996, was to make progress in the study of specific proposals for reinforcing their cooperation in regard to the protection of Guatemalan agricultural workers.

On that occasion, Mexico undertook to carry out socio-demographic surveys in the State of Chiapas and to put into official use the Migration Form for Agricultural Visitors, subject to available resources, while Guatemala will provide its migrant agricultural workers with an identity document prior to their admission to Mexican territory and will institute regulation, control and training for recruiting agents to obviate their subverting the legal admission process.

At the same time, the embassies of Mexico in Belize, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua and Peru and the offices of the diplomatic representatives of those countries accredited in Mexico are cooperating closely in addressing alleged human rights violations, including discrimination against their nationals in Mexican territory or against our nationals in those countries.

Action at the multilateral level

At the multilateral level, the Government of Mexico has been active in promoting the adoption of an integrated, objective and long-term approach to address in a balanced way the causes and manifestations of the migration phenomenon. As an essential part of these efforts, Mexico has pressed for the protection of the human rights of migrants to receive special attention in various international and regional forums.

Within the United Nations, the Government of Mexico has submitted both in the General Assembly and in the Commission on Human Rights resolutions whose main thrust is to promote and protect the human rights of migrants.

At the same time, it has supported the adoption of resolutions aimed at eliminating any contemporary form of racism, racial discrimination, xenophobia or other similar forms of intolerance, currently manifested in the proneness to institute new policies purportedly justified by racial, cultural or national superiority or particularism and installed in various sectors of society or as governmental policies, whether pursued by institutions or by individuals or groups of various social origins. This phenomenon is particularly disturbing as in the majority of cases it is directed against the most vulnerable groups such as migrant workers, asylum seekers and refugees.

In the Regional Conference on Migration, which brings together at vice-ministerial level the Governments of Canada, the Central American countries, the United States and Mexico, the Mexican Government has urged that the item on the human rights of migrants should be placed high on the regional agenda. Consequently, through the Joint Communiqué adopted at the First Regional Conference on Migration, held in March 1996 in Puebla, Mexico, the 10 participating Governments agreed, inter alia:

> To condemn violations of the human rights of migrants and others, irrespective of their migratory status, and to fight for the elimination of such violations;

To raise public awareness concerning the human rights of migrants as a means of promoting respect for their dignity and of combating anti-immigrant attitudes and rooting out illegal acts committed against immigrants;

To encourage the States of the region, particularly those with common borders, to develop mechanisms for consultation on questions of migration and protection of the human rights of migrants, with the participation of the authorities at the various levels of government, officials responsible for applying the law, and consular and diplomatic representatives from the countries.

In pursuance of those commitments the 10 participating Governments, in the Plan of Action adopted during the Second Regional Conference on Migration, held at the end of March 1997 in Panama, reaffirmed as one of their objectives "full respect for the existing provisions on the human rights of migrants, irrespective of their migratory status, as defined in the 1948 Universal Declaration of Human Rights and other relevant international instruments".

With that objective in view, the Governments agreed, as part of the Plan of Action, to adopt measures for regional cooperation in order to prevent and combat violations of the human rights of migrants; to disseminate information on those rights in order to raise public awareness as a means of promoting respect for the dignity of immigrants, combating anti-immigrant attitudes, and eradicating illegal acts committed against migrants; to ensure appropriate treatment of and assistance to migrants, irrespective of their migratory status, particular attention being accorded to the special needs of women and children, the elderly and the disabled, including their protection; and to promote the holding of regional meetings between migration authorities, ministries of foreign affairs, and State offices and other bodies for protection of human rights, jointly with non-governmental organizations concerned for the protection of the human rights of migrants.

In particular, as one of the activities provided for in this Plan of Action, the 10 Governments that participated in the regional conference decided to organize a seminar on the human rights of migrants, to be held in the United States in April 1998.

3. Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

The migration policy of the Government of Mexico is formulated and implemented in the light of the recognition that the country is a place of origin, destination and transit for large-scale migratory movements. Mexico's migration policy takes due account of the complexity of those movements and the structural reasons for their occurrence. Likewise, one of its mainstays is the commitment of the Mexican authorities to full respect for the human rights of migrants in tackling the problems involved.

In this context it is worth mentioning that the NHRC has put into operation a Programme on the Human Rights of Migrant Workers, with the object of promoting protection and defence of the fundamental rights of persons emigrating from and entering Mexican territory, mainly over the southern border.

The purpose of this programme is to eradicate practices which violate the human rights of this vulnerable group, to which end it carries out research, promotion and protection activities in regard to the human rights of migrants and training work with the migration authorities. The objective is to have available updated information and statistics which will enable it to detect the most important violations of human rights.

The NHRC has drawn up various studies on Mexican migratory workers who go to the northern frontier of Mexico and enter the United States of America, as also on those migrants from other countries who use Mexican territory as a country of transit to reach Mexico's northern border strip and settle in United States territory.

With regard to the northern frontier, the said NHRC has published the "Segundo Informe sobre las Violaciones a los Derechos Humanos de los Trabajadores Migratorios Mexicanos en su Tránsito hacia la Frontera Norte, al Cruzarle y al Internarse en la Franja Fronteriza Sur Norteamericana" ("Second report on violations of the human rights of Mexican migratory workers in their transit towards the northern frontier, in crossing it and in entering the United States southern border strip"). This report finds that abuses and vexatious acts may be committed both by Mexicans, whether authorities or individuals, during the departure preparations and transit to reach the crossing point, and by United States authorities and individuals at the time when the migrants attempt the crossing or are already in United States territory.

In this report the NHRC identifies the following types of abuse and/or violation: homicide; lesions; abuse of authority (physical ill-treatment, intimidation and threats); sexual abuse and/or rape; robbery; unlawful deprivation of liberty; and confiscation and/or invalidation of documents.

As regards the southern border, the NHRC produced an "Informe sobre Violaciones a los Derechos Humanos de los Inmigrantes. Frontera Sur" ("Report on violations of the human rights of immigrants: southern border"), in which the following types of abuse and/or violation were identified: violence on the part of Mexican authorities (ill-treatment, beatings and threats); robbery, extortion, confiscation and/or invalidation of documents and other abuses committed by migration authorities, police units and other State agencies; unauthorized deportations and expulsions; failure to provide decent conditions during detention; non-compliance with the obligation to provide information on the rights of an immigrant under detention; and corruption, negligence or collusion on the part of authorities responsible for ensuring respect for the migratory, labour and social rights of migrant workers.

The frequency with which these types of violation occur, whether on the northern or the southern border, is difficult to determine, inasmuch as the

number of protests or complaints submitted does not always reflect the number of violations committed against the persons concerned owing to fear or to their situation as transients with no fixed abode.

Nevertheless, it may be stated that the complaints received of human rights violations on the northern border are very few because most of them are committed by United States authorities, over which the National Commission has no jurisdiction.

Regarding human rights violations committed on the southern border, between June and October 1996 the NHRC received 59 complaints in which the complainants were nationals of countries of Central and South America; however, only seven out of this total were cases where the complainants alleged violations committed by Mexican authorities against Central American citizens entering the national territory without papers. During the same period the State Human Rights Commissions operating in the southern border area received only three complaints.

Concerning these complaints of human rights violations, no specific information is available which would make it possible to affirm that they resulted from manifestations of racism or xenophobia or other forms of discrimination against the complainants.

Note, finally, that Mexico has practised throughout the years a refuge and asylum policy which has won international recognition. Noteworthy in this regard is the implementation, as from August 1996, of the Migratory Stabilization Plan, which grants Guatemalan refugees who entered the country during the 1980s the possibility of acquiring the status of inmigrantes, if they have decided to settle in Mexico, so that subsequently they can opt for the status of inmigrados, with the consequent right to apply for a Mexican Naturalization Card. Under the same programme, those Guatemalans who intend to return to their own country have the possibility of regularizing their situation by acquiring the status of non-immigrants.

Through this type of action the Government of Mexico ensures that all refugees can carry on their activities in the national territory with full legal guarantees.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)?

The Government of Mexico is currently studying the possibility of ratifying the main international instruments dealing with protection of the human rights of migrants.

In particular, with regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a working group composed of representatives of various branches of the Federal

Executive has been set up to study the Convention and the national legislation on the subject with a view to its earliest possible ratification.

Note, however, that Mexico, while not a formal party to the Convention, gives due attention, under its domestic legislation, to protecting the rights of migrant workers and their families who are on its national soil.

Notes

1/ Anuario Estadístico 1997, National Institute of Statistics, Geography and Data Processing.

2/ Estadística Migratoria, National Institute of Migration, vol. III, No. 11, November 1997.

3/ Estudio Binacional Mexico-Estados Unidos sobre Migración, October 1997.

4/ Estadística Migratoria, Instituto Nacional de Migración, vol. III, No. 11, November 1997.